

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE LICENSING, PLANNING, AND ZONING OF SHOOTING RANGES; AND AMENDING SECTIONS 76-9-102, 76-9-103, AND 76-9-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-9-102, MCA, is amended to read:

**"76-9-102. Prohibitions.** (1) Standards adopted by a state agency or unit of local government to limit levels of noise that may occur in the outdoor atmosphere may not apply to shooting ranges.

(2) Standards adopted by a state agency or unit of local government promulgated pursuant to Title 75 and concerning pollution by lead, copper, or brass may not limit or prohibit the operation of a shooting range because of lead, copper, or brass deposition resulting from shooting activities.

(3) (a) A shooting range may not be assessed any license fee that would render operation of the shooting range unprofitable.

(b) If the owner or agent of a shooting range believes that a license fee would result in shooting range unprofitability, the licensing agency shall hold a hearing to consider the license fee, but the license may not be revoked and operation of the shooting range may not be restricted during consideration of the fee issue."

**Section 2.** Section 76-9-103, MCA, is amended to read:

**"76-9-103. Planning -- effect on shooting ranges.** The laws of this state concerning planning or growth policies, as defined in 76-1-103, may not be construed to authorize an ordinance, resolution, or rule that would:

(1) prevent the operation of an existing shooting range as a nonconforming use;

(2) prohibit the establishment of new shooting ranges, but the ordinance, resolution, or rule may regulate the construction of shooting ranges to specified zones; ~~or~~

(3) prevent the erection or construction of safety improvements on existing shooting ranges;

(4) prohibit within the geographical boundaries of an existing shooting range the repair, remodeling, or reinforcement of any shooting range building or improvement that is necessary for public safety or necessary to secure the continued use of the building or improvement;

1       (5) prohibit within the geographical boundaries of an existing shooting range the reconstruction, repair,  
2 or reopening of any shooting range facility or building that is damaged by fire, collapse, explosion, act of nature,  
3 or act of war; or

4       (6) prevent a shooting range from expanding its membership or opportunities for public participation."  
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6       **Section 3.** Section 76-9-104, MCA, is amended to read:

7       **"76-9-104. Zoning -- effect on shooting ranges.** A planning district growth policy, recommendation,  
8 resolution, rule, or zoning designation may not:

9       (1) prevent the operation of an existing shooting range as a nonconforming use;

10       (2) prohibit the establishment of new shooting ranges, but, subject to subsections (4) and (5), it may  
11 regulate the construction of shooting ranges to specified zones; or

12       (3) prevent the erection or construction of safety improvements on existing shooting ranges;

13       (4) prohibit within the geographical boundaries of an existing shooting range the repair, remodeling, or  
14 reinforcement of any shooting range building or improvement that is necessary for public safety or necessary to  
15 secure the continued use of the building or improvement;

16       (5) prohibit within the geographical boundaries of an existing shooting range the reconstruction, repair,  
17 or reopening of any shooting range facility or building that is damaged by fire, collapse, explosion, act of nature,  
18 or act of war; or

19       (6) prevent a shooting range from expanding its membership or opportunities for public participation."  
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- END -